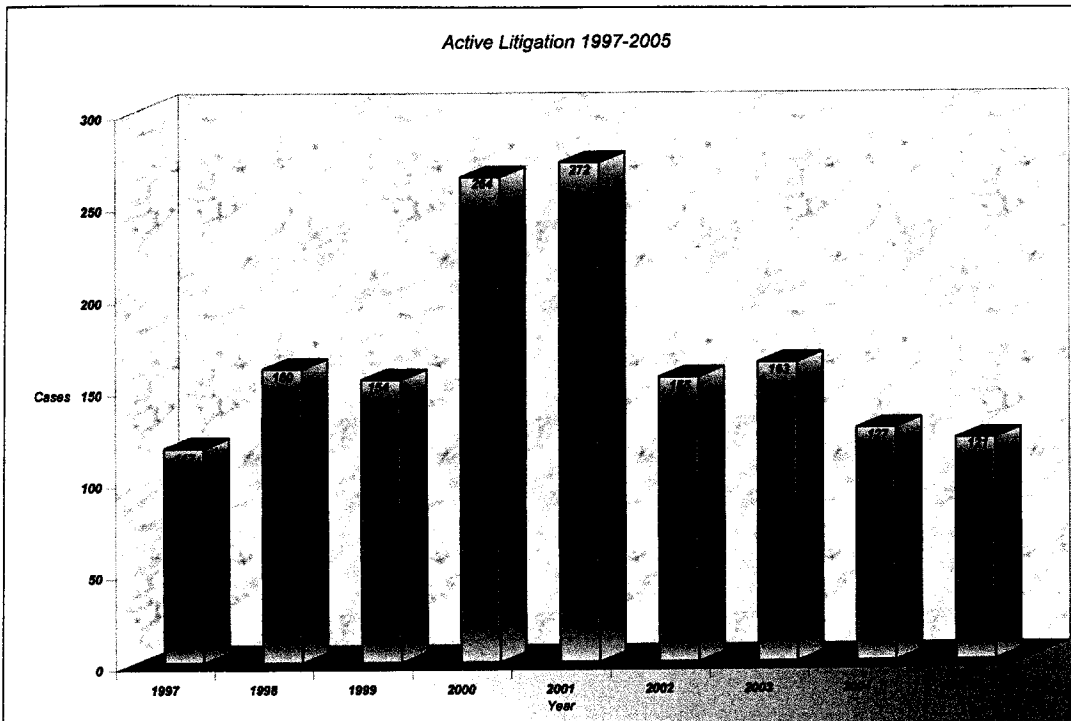


The number of active cases in the Legal Services Bureau returned to a more normal pattern during the past four years, after a surge in court filings in 2000 and 2001. The large amount of litigation in those years was triggered by state Supreme Court rulings that dealt with probation revocations and questions about how sentences were calculated. The probation decision resulted in many revocation cases being reviewed. About half the cases filed in those two years were linked to that issue. The litigation declined sharply in the following years after the

revocation disputes were resolved, the department implemented a new sentence calculation program that satisfied offenders and Montana State Prison complied with requirements in the settlement of an ACLU lawsuit over medical care. The chart to the left shows the number of active cases in 2005 was the lowest in eight years. The caseload dropped to 121, a 26 percent decline from just two years earlier and a more than 55 percent decrease from the high of 272 four years before.



The workload of the bureau continued to be dominated by “habeas corpus” cases, which are those filed by offenders challenging the legality of their confinement. This type of case, usually filed by offenders themselves without attorneys, had accounted for about one out of every three cases pending at the end of 2005. Civil rights and tort claims each represented about 16 percent of the cases, while cases alleging some violation of human rights accounted for 14 percent. The chart at right shows the 2005 breakdown of the active litigation pending in the bureau at the end of December 2005.

